



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 14, 1991

Ms. Karen Cox
Staff Attorney
Legal Services 016-1
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR91-287

Dear Ms. Cox:

You ask whether certain information regarding the calculation of "the experience modifier" used to calculate premiums charged to worker's compensation policy-holders is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12392.

You have asserted that the requested information is, at least in part, excepted under a number of exceptions to disclosure in section 3(a) of the Open Records Act. However you do not, with specificity, tie any of these exceptions to any information submitted for our inspection. The applicability of the asserted exceptions is highly fact bound, and the mere possibility that excepted material may appear in a file is not grounds for withholding broad categories of information from public inspection. Accordingly, we are unable to rule on your claims.

You further assert that there are approximately 65,000 experience rating files which you believe to be responsive to the request, each containing a broad diversity of information. Accordingly, the request may be overbroad. In such an instance, you may advise the requestor of the types of information contained in your files so that the request may be appropriately narrowed. Open Records Decision No. 563 (1990).

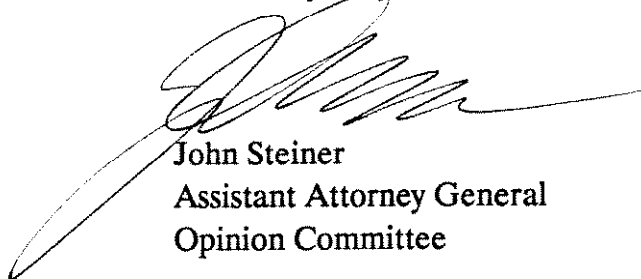
As this matter is not ripe for an open records decision under section 7 of the Open Records Act, we are returning your documents to you. When the requestor

has narrowed his request, you may submit a request for a decision at that time should you believe that any *specific* information is within an exception under section 3(a).

We note that we did not receive a copy of the request for information with your submission and are, therefore, unable to forward a copy of this letter to them. Please inform this office of the requestor's mailing information, or kindly forward this letter directly to them. In the future, please submit a copy of the request for information with all requests for open records decisions.

If you have questions about this ruling, please refer to OR91-287.

Yours very truly,

A handwritten signature in black ink, appearing to read 'John Steiner', is written over the typed name and title.

John Steiner
Assistant Attorney General
Opinion Committee

JS/lb

Ref.: ID# 12392

Enclosure: Open Records Decision No. 563